

REMARKS

Claims 27-44 and 52-54 are presented for reconsideration. Claims 1-26 and 45-51 were canceled in previous Amendments. Claims 27, 37, and 43-44 are independent. Claims 28-36, 38-42, and 52-54 are dependent. No claims are sought to be amended in the present Paper. Based on the following Remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw all rejections and pass claims 27-44 and 52-54 to allowance.

Rejection of Claims 27-34, 37-38, 40, 42-44, and 52 Under 35 U.S.C. §§102(b) and (e) as Being Anticipated By Weiner et al.

The Examiner rejected claims 27-34, 37-38, 40, 42-44, and 52 under 35 U.S.C. §§102(b) and (e) as being anticipated by the combination of Weiner et al. (IEE J. Quantum Electronics) (hereinafter “Weiner”). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found in a reference. (M.P.E.P. § 2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)).

As a first matter, Weiner is directed to combining frequency-selective spatial structures and classic holographic techniques to realize many of the functionalities of frequency-selective materials. However, Weiner is at least limited to applications not involving spatial routing of optical beams.

As a second matter, in the present Office Action, the Examiner essentially makes several assertions, two of which include:

(1) that the spectral hologram recorded on the thermoplastic holographic plate in Weiner is identical to the subgratings supported by active material recited in the

claimed invention; however, the Examiner points to no express or implicit teaching in Weiner or in the Applicants disclosure that these are identical; and

(2) that the “holographic fringe pattern” of Weiner is identical to the ordered assemblage of subgratings recited in the claimed invention. Applicants respectfully disagree; however, the Examiner points to no express or implicit teaching in Weiner or in the Applicants disclosure that these are identical.

Therefore, because the Examiner has failed to make a showing that the elements relied upon in Weiner are identical to the elements recited in the claimed invention, Applicants respectfully submit that the Examiner has failed to show that Weiner teaches each and every element of the claimed invention as required by MPEP §2131.

Rejection of Claims 27-31, 33, 35-38, 40-44, and 52 Under 35 U.S.C. §§102(e) as Being Anticipated By Kashyap '666.

The Examiner rejected claims 27-31, 33, 35-38, 40-44, and 52 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,530,666 to Kashyap (hereinafter “Kashyap”). R. Kashyap et al. Electronics Letters (hereinafter “Kashyap Electronics Letters”). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found in a reference. (M.P.E.P. § 2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). The elements must be arranged as required by the claim. *Id. citing In re Bond*, 910 F.2d 831 (Fed. Cir. 1990)).

In the present Office Action, the Examiner appears to be asserting that the gate 24 in Kashyap is identical to the router recited in claim 44. However, there is no disclosure in Kashyap that refers to the gate 24 as a router, Kashyap refers to the gate 24 as a gate that opens and closes. Therefore, because the Examiner has failed to make a showing that the elements relied upon in Weiner are identical to the elements recited in the claimed invention, Applicants respectfully submit that the Examiner has failed to show that Weiner teaches each and every element of the claimed invention as required by MPEP §2131.

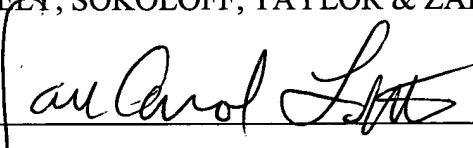
CONCLUSION

The Applicant submits that all grounds for rejection have been properly traversed. Therefore, the Applicant respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections and pass claims 27-44 and 52-54 to allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: October 28, 2002


Jan Carol Little

Reg. No. 41,181

Date of Deposit: October 28, 2002

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